

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK,  
:

Plaintiff,  
:

22-CV-6124 (JMF)  
:

-v-  
:

ORDER  
:

ARM OR ALLY, LLC, et al.,  
:

Defendants.  
:  
-----X

JESSE M. FURMAN, United States District Judge:


On February 5, 2023, counsel for Indie Guns, LLC, Christian W. Waugh, filed a motion to withdraw as Defendant's counsel. *See* ECF No. 119. By **February 8, 2023**, defense counsel shall serve (1) the supporting documents to the motion (assuming he has not done so already); and (2) a copy of this Order on his client, and by **February 10, 2023**, file proof of such service on the docket. *See* S.D.N.Y. Local Rule 1.4.

Any opposition to the motion to withdraw — by Indie Guns, LLC or another party — shall be filed by **February 13, 2023**; any reply shall be filed by **February 17, 2023**. Unless and until the Court grants the motion, Christian W. Waugh remains counsel of record for Indie Guns, LLC, and discovery shall proceed as scheduled. If Indie Guns, LLC has secured new counsel, new counsel shall promptly enter a notice of appearance to ensure a smooth transition of counsel in the event that the motion to withdraw is granted.

Indie Guns, LLC is cautioned that a corporate entity may appear in federal court only through counsel. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007). Thus, if the Court grants Mr. Waugh's motion to withdraw as counsel and new counsel fails to appear on behalf of Indie Guns, LLC, default judgment may be entered against it. *See, e.g., Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006).

SO ORDERED.

Dated: February 6, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge